

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BOBBY GARRISON,

PLAINTIFF,

-VS-

CASE No. 2:05-cv-549-A

**MONTGOMERY COUNTY BOARD
OF EDUCATION, CARLINDA PURCELL,
JIMMY BARKER, JACKY TODD, MARK
CASILLAS AND MIKE STRENGTH,**

DEFENDANTS.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME NOW the Montgomery County Board of Education, Carlinda Purcell, Jimmy Barker, Mark Casillas, Jacky Todd and Mike Strength, Defendants in the above-styled cause, and move this Court to grant summary judgment pursuant to Rule 56 of the *Federal Rules of Civil Procedure* on the grounds that there are no genuine issues of material fact to be submitted to a jury. In support of this motion, Defendants rely on the following:

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| 1. | Exhibit "1" | Deposition of Bobby Garrison |
| 2. | Exhibit "2" | Appointment Letter |
| 3. | Exhibit "3" | Affidavit of Mark Casillas |
| 4. | Exhibit "4" | Affidavit of Jacky Todd |
| 5. | Exhibit "5" | June 11, 2003 Board Minutes |
| 6. | Exhibit "6" | Position Announcement for Laborer I |
| 7. | Exhibit "7" | December 1, 2003 Letter to Jimmy Barker |
| 8. | Exhibit "8" | December 11, 2003 Memo to Jacky Todd |
| 9. | Exhibit "9" | August 12, 2003 Letter to Jacky Todd |
| 10. | Exhibit "10" | February 9, 2004 Investigation Memo by Mark Casillas |

11. Exhibit "11" April 2003 Support Staff Evaluation
12. Exhibit "12" January 2004 Support Staff Evaluation
13. Exhibit "13" May 2004 Support Staff Evaluation
14. Exhibit "14" June 25, 2004 Nonrenewal Letter
15. Exhibit "15" August 26, 2004 Board Minutes
16. Exhibit "16" EEOC Amended Charge of Discrimination
17. Exhibit "17" Right to Sue Letter
18. All pleadings of record in this case;
19. Memorandum Brief in Support of Defendants' Motion for Summary Judgement, filed contemporaneously with this motion.

Wherefore the premises having been considered, the Defendants respectfully request the Court to grant the Defendants' Motion for Summary Judgment and dismiss the Plaintiff's claims as a matter of law.

Respectfully Submitted this 14th day of December, 2005.

MONTGOMERY COUNTY BOARD OF EDUCATION,
CARLINDA PURCELL, JIMMY BARKER, JACKY
TODD, MIKE STRENGTH AND MARK CASILLAS,
DEFENDANTS,

/s/ James R. Seale

James R. Seale (3617-E-68J)
Elizabeth Brannen Carter (3272-C-38E)
Jayne L. Harrell (6544-Y-85H)

OF COUNSEL:

*HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.*

425 South Perry Street
Post Office Box 116
Montgomery, Alabama 36101-0116
(334) 834-7600 - phone
(334) 263-5969 - fax
jrs@hillhillcarter.com
jharrell@hillhillcarter.com

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing *Defendants' Motion for Summary Judgment* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, Northern Division, using the CM/ECF system which will send notification of such filing to Juraldine Battle-Hodge (battleb@bellsouth.net) this the 14th day of December, 2005.

/s/ James R. Seale